

REMARKS

The Office Action of November 2, 2005 requests election of a single species of claims directed to either: (A) Figures 6A-6B, (B) Figures 7A-7B, (C) Figures 8A-8B or (D) Figures 9A-9B.

Responsive to that Restriction Requirement, Applicants hereby elect, with traverse, system claims 1-13 and method claims 28-37. These claims are directed to the species shown in (C) Figures 8A-8B and (D) Figures 9A-9B. As described in more below, Applicants believe that the generic limitations recited in Independent claims 1 and 28, as well as all claims dependent therefrom, are broad enough to cover the embodiments shown in Figures 8A, 8B, 9A and 9B.

As set forth in MPEP 803, restriction is proper only when the restricted inventions are independent or patentably distinct. In addition, there must be a serious burden on the Examiner if restriction is required. Furthermore, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The Applicants contend that the limitations recited in claims 1 and 28, as well as all claims dependent therefrom, are broad enough to cover the embodiments shown in Figures 8A-8B and Figures 9A-9B. For example, generic claim 1 recites broad limitations on a catheter system comprising an insulated needle, an electrically conductive wire, a catheter and a catheter introducer, whose distal end is made integral with the proximal end of the insulated needle. Although generic claim 1 covers all of the embodiments shown in Figures 6-9, dependent claims 11-13 limit the claims to the embodiments shown primarily in Figures 8-9 by including a side port that is coupled through flexible tubing to a fluid source (in Figures 6-7, a similar fluid port is coupled at the proximal end of hub 635, 735, instead of at the side). Likewise, although generic claim 28 covers all of the embodiments shown in Figures 6-9, dependent claims 31-37 limit the claims to the embodiments shown primarily in Figures 8-9 by including a side port for withdrawing or administering fluids (in Figures 6-7, a similar fluid port is coupled at the proximal end of hub 635, 735, instead of at the side).

As noted above, Applicants assert that the limitations recited in claims 1-13 and 28-37 are broad enough to cover each of the embodiments shown in Figures 8-9. In addition, Applicants assert that the search and examination of the species shown in Figures 8-9 would

not present a serious burden on the examiner. Therefore, Applicants wish to elect generic claims 1-13 and 28-37. Applicants reserve the right to file a divisional application at a later date capturing the subject matter recited in the species shown in Figures 6-7, on which non-elected claims 14-27 read. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

Election/Restriction

To expedite prosecution of the presently claimed case, non-elected claims 14-27 have been canceled. However, Applicants reserve the right to file a divisional application at a later date capturing the subject matter recited in non-elected claims 14-27.

CONCLUSION

The present amendment is believed to be a complete response to the issues raised in the Office Action mailed November 2, 2005. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268/5871-00101.

Respectfully submitted,



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Date: November 30, 2005
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